

JAN 22 2015

A BILL FOR AN ACT

RELATING TO PILOTAGE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 462A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§462A- Liability. (a) A pilot shall not be liable for
5 damages in excess of \$5,000 for damages or loss occasioned by a
6 pilot's errors, omissions, fault, or negligence in the
7 performance of pilotage or in the training of pilots, except for
8 acts or omissions of the pilot in the performance of pilotage or
9 in the training of pilots that constitute wilful, intentional,
10 or reckless misconduct.

11 (b) Nothing in this chapter exempts the vessel, its owner,
12 or its operator from liability for damages or loss occasioned by
13 the ship to a person or property on the grounds that the ship
14 was piloted by a pilot licensed by the State or the damage or
15 loss was occasioned by the error, omission, fault, or neglect of
16 a pilot licensed by the State."



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SECTION 2. Section 462A-3, Hawaii Revised Statutes, is amended to read as follows:

"§462A-3 Powers and duties of the director. In addition to any other powers and duties authorized by law, the director shall:

- (1) Grant licenses to port pilots and deputy port pilots pursuant to this chapter, when the need arises;
- (2) Adopt, amend, or repeal rules in accordance with chapter 91 as may be necessary to carry out the purposes of this chapter which are to provide for maximum efficiency in navigating vessels entering or leaving the waters of this State; maintain a pilotage system devoted to the preservation, and protection of lives, property, and vessels entering or leaving waters of the State; and ensure an adequate supply of qualified pilots in aid of commerce and navigation;
- (3) Develop appropriate standards for licensure to maintain an adequate supply of pilots based on the needs of users of pilotage services or the department of transportation's harbors division. Licensing requirements shall include examinations, continuing



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1 education requirements, and investigations to
2 determine whether persons applying for or applying for
3 renewal of full port pilot[7] or deputy port pilot
4 licenses are qualified;

5 (4) Enforce this chapter and rules adopted pursuant
6 thereto;

7 (5) Suspend, revoke or deny the issuance of any license
8 for any cause prescribed by this chapter, or for any
9 violation of the rules;

10 (6) Investigate any person for violations of any
11 provisions of this chapter;

12 (7) Adopt methods to improve disciplinary and enforcement
13 programs against violations of this chapter; and

14 (8) Do all things reasonable, necessary, and expedient to
15 insure proper and safe pilotage and to facilitate the
16 efficient administration of this chapter."

17 SECTION 3. Section 462A-18, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **"§462A-18 Vessels required to take a pilot.** Every vessel
20 ~~[involved in trade or commerce]~~, other than an exempt vessel,
21 entering or departing from any port in or traversing the waters



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1 of the State designated as pilotage waters shall employ a pilot
2 licensed under this chapter; provided that a vessel declared by
3 the director of transportation to be in immediate danger of
4 destruction or which poses an immediate hazard to public safety
5 by its presence in the harbor may be moved without a pilot when
6 a pilot is not immediately available."

7 SECTION 4. Section 462A-19, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§462A-19 Exempt vessels.** This chapter does not apply to:

- 10 (1) Any vessel required by the laws of the United States
11 of America to be under the direction and control of a
12 federally licensed pilot;
- 13 (2) Public vessels of the United States of America;
- 14 (3) Fishing vessels that have been issued a fishery
15 license or appropriately endorsed registry under the
16 laws of the United States of America; [~~or~~]
- 17 (4) Tugs or towboats of 1,600 gross tons or less which are
18 registered in the United States if the master, mate,
19 or operator is licensed in the United States and has
20 made a minimum of six round trips into and out of the
21 pilotage water which the vessel is traversing[~~-~~]; or



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1 (5) Vessels under 300 gross tons.

2 This section provides minimum pilotage requirements, and is
3 not intended to negate the department of transportation's
4 responsibility for the safety of all ports and shore waters in
5 the State, nor does it limit the department's right to require
6 additional pilotage should that department determine it is
7 necessary to ensure safety in the ports or shore waters of the
8 State."

9 SECTION 5. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Anne Mercado", is written over a horizontal line.



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Report Title:

Pilotage; Port Pilots; Liability; Continuing Education; Vessels

Description:

Regulates the liability of port pilots. Requires the department of commerce and consumer affairs to establish continuing education requirements as a qualification for application or renewal of a port pilot license. Changes the type of vessels required to take a pilot when entering or departing State port or waters.

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